

REMARKS

Applicants acknowledge receipt of the Examiner's Office Action dated July 19, 2006. The Office Action rejected all claims pending at that time. In light of the following remarks, Applicants respectfully request the Examiner's reconsideration and reexamination of all pending claims, including newly added claim 21.

Claims 4-11 and 13-20 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Specifically, the Office Action asserts that claims 4-11 and 13-20 recite custom data type elements which are merely an arrangement of data which is nonfunctional descriptive material. Dependent claims 4-11 further define the custom data type elements of independent claim 1, and dependent claims 13-20 further define the custom data type elements of independent claim 12. Independent claims 1 and 12 were found to be in compliance with 35 U.S.C. § 101. Applicants assert that if the custom data elements of independent claims 1 and 12 are in compliance with 35 U.S.C. § 101, it follows that the custom data elements of dependent claims 4-11 and 13-20 are likewise in compliance with 35 U.S.C. § 101.

The Office Action rejected claims 1-12 under 35 U.S.C. § 102 as being anticipated by U.S. Patent Publication No. 2003/0163597 filed by Hellman et al ("Hellman"). Independent claims 1 and 12 recite:

...wherein any modifications of the other data structures in the second intermediate form are independent of the custom data elements.

In rejecting independent claims 1 and 12, the Office Action ignores the foregoing limitations. Moreover, Applicants assert the foregoing limitations are not taught or fairly suggested in the sections of Hellman cited in the Office Action. Accordingly, Applicants assert that claims 1 and 12 are patentably distinguishable over Hellman. Moreover, insofar as claims 2-11 and 13-20 depend from independent claims 1 or 12, it follows that dependent claims 2-11 and 13-20 are likewise patentably distinguishable over the cited sections of Hellman.

CONCLUSION

Applicant submit that all claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is requested to telephone the undersigned.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia, 22313-1450, on October 19, 2006.

  
\_\_\_\_\_  
Attorney for Applicants

10/19/06  
\_\_\_\_\_  
Date of Signature

Respectfully submitted,



Eric A. Stephenson  
Attorney for Applicants  
Reg. No. 38,321  
Telephone: (512) 439-5093  
Facsimile: (512) 439-5099